



JOB PROTECTION ACT

THE ISSUE

The Family and Medical Leave Act's (FMLA) purpose is to protect the jobs of workers so they can take time off to care for themselves and their family without having to sacrifice their employment. However, as working people across the country have experienced over the years, the FMLA has its shortcomings. **Only 56 percent of the U.S. workforce is protected by the FMLA,¹ leaving out workers at smaller employers, people who work one or multiple part-time jobs, and those reentering the workforce who either lost their jobs or had to quit due to caregiving responsibilities during the COVID-19 pandemic.** Every year, nearly 2.6 million workers who need family or medical leave do not take it because they fear losing their jobs if they do and are currently ineligible for FMLA protections.²

Gaps in FMLA coverage disproportionately harm women— they are more likely to need leave (largely due to caregiving responsibilities or pregnancy) but are less likely to be eligible for job-protected leave under the FMLA.³



The Job Protection Act closes gaps in FMLA coverage and strengthens the law's protections by:

1.

Expanding protections to those working for smaller employers by reducing the current FMLA coverage threshold from 50 employees to one employee.

It also eliminates the requirement that a workplace have 50 or more employees within a 75-mile radius, which currently excludes an estimated 33 million workers.⁴

2.

Protecting part-time workers and those working multiple jobs by eliminating the requirement that an employee work 1,250 hours at a single workplace over the previous year.

The hours requirement disproportionately impacts women—nearly two-thirds of part-time workers are women.⁵

3.

Ensuring that people changing jobs or returning to the workforce will be protected by reducing the amount of time they must have worked at their workplace from 12 months to 90 days.

This requirement excludes more than one in five workers, and especially large shares of women (23.3 percent), Hispanic workers (25.5 percent), and Black workers (25.8 percent).⁶



While the lack of pay during leave remains a significant barrier to taking time off and a financial strain on those who need leave, without job protection, even those who have access to paid leave may not be able to risk losing their jobs. **The expansion of FMLA coverage under the *Job Protection Act* will be necessary to ensure any federal paid leave program is truly equitable and extends to the most vulnerable workers.**

In October 2021, 12.6 million people were not working due to personal medical or caregiving needs. As these workers return to the workforce, they will all fall short of the current 12-month employment requirement and will not be eligible for job-protected leave under the FMLA. Additionally, many workers, especially women, have had to reduce their hours to care for their families during the pandemic, and many workers continue to suffer from long-haul COVID-19 symptoms that could impact their ability to work full-time.

The *Job Protection Act's* extension of FMLA protections to people returning to the workforce, as well as those who have reduced their hours due to caregiving or medical concerns, will be critical to ensuring Americans are able to return to and stay in the workforce without sacrificing their health or the health of their families.

Enacted in 1993, the FMLA guarantees certain employees up to 12 weeks of unpaid, job-protected leave per year and requires that their group health benefits be maintained during the leave. The FMLA currently applies to all public agencies, all public and private elementary and secondary schools, and companies with 50 or more employees.



ENDORISING ORGANIZATIONS

The Job Protection Act is endorsed by over 70 national organizations, including:

National Partnership for Women & Families, National Women's Law Center, AFL-CIO, CWA, SEIU, UFCW, AFGE, AFSCME, NEA, AFT, Paid Leave for All, PL+US, Family Values @ Work, MomsRising, CLASP, National Employment Law Project, YWCA, Main Street Alliance, and American Sustainable Business Network.

See the full list [here](#).



FOR MORE INFORMATION OR TO COSPONSOR THE BILL,

CONTACT CHLOE GRAINGER IN REP. UNDERWOOD'S OFFICE AT CHLOE.GRAINGER@MAIL.HOUSE.GOV OR (202) 226-2976.

READ THE RECENT OP-ED ON THE LEGISLATION [HERE](#).

REFERENCES

- [1] Kaiser Family Foundation, Paid Leave in the U.S. (December 17, 2021) <https://www.kff.org/womens-health-policy/fact-sheet/paid-leave-in-u-s/>
- [2] National Partnership for Women & Families, Key Facts: The Family and Medical Leave Act. (January 2022) <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/key-facts-the-family-and-medical-leave-act.pdf>
- [3] U. S. Bureau of Labor Statistics, Employee and Worksite Perspectives of the Family and Medical Leave Act: Supplemental Results from the 2018 Surveys (July 2020) https://www.dol.gov/sites/dolgov/files/OASP/evaluation/pdf/WHD_FMLA2018SurveyResults_Appendices_Aug2020.pdf
- [4] U. S. Bureau of Labor Statistics, National Business Employment Dynamics Data by Firm Size Class. (October 27, 2021). https://www.bls.gov/web/cewbd/table_ftxt
- [5] U.S. Department of Labor, Women's Bureau, Full-Time / Part-Time Employment (2020) <https://www.dol.gov/agencies/wb/data/latest-annual-data/full-and-part-time-employment>
- [6] U.S. Bureau of Labor Statistics, Employee Tenure in 2020 (January 2020). <https://www.bls.gov/news.release/tenure.t03.htm>
- [7] Novello, A. The Great Resignation Shows Great Need for Paid Leave. (December 2021) <https://www.nationalpartnership.org/our-work/resources/economic-justice/paid-leave/issue-brief-the-great-resignation.pdf>